

Emergencies Act

Emergency Measures Regulations (Regulations) & Emergency Economic Measures Order (Order)

In Force: February 15, 2022 | Expiration Date: March 15, 2022, unless extended or revoked

Fundamental Principles

- **Objectives:** (1) Regulate and prohibit public assemblies that lead to a breach of the peace (other than lawful advocacy, protest or dissent) and (2) limit the funding of such assemblies.
- **New Tools:** Supplement existing enforcement tools and fill gaps in legislative authorities at the federal/provincial level needed during an emergency.
- **Enforcement:** By the police of jurisdiction (municipal/provincial police services and the RCMP (under both its contract and federal mandate)).
- **Charter Applies:** Fundamental rights cannot be limited/abridged, even in a national emergency.
- **Police Independence & Police Discretion remain unchanged.**

Emergency Measures Regulations – New Tools

Tools apply to Public Assemblies expected to lead to a Breach of the Peace by: [s.2(1) Reg.]

- Serious disruption of the movement of persons/goods or serious interference with trade;
- Interference with the functioning of critical infrastructure; or
- Support of the threat or use of serious violence against persons/property.

Prohibit:

1. **Participating in these public assemblies** [s. 2(1) Reg.]
2. **Causing minors (under 18)** to participate or travel to these assemblies [ss. 2(2), 4(2) Reg.]
3. **Foreign nationals from entering Canada** to participate in/facilitate these public assemblies [s. 3 Reg.]
4. **Travelling to/within these public assemblies** (subject to specified exemptions) [s. 4 Reg.]
5. **Using/collecting/ making available property** to those facilitating/participating in these public assemblies [s. 5 Reg.]

Require individuals/companies to provide essential goods and services for towing, removing and storing blockade vehicles, equipment or other objects immediately [ss. 7-9 Reg.].

Allow the proactive securing of identified/designated Protected Places (e.g. parliamentary precinct, official residences, government buildings, war monuments, critical infrastructure) [s. 6 Reg.].

RCMP Officers may enforce Provincial/Municipal Laws for the purposes of the Regulations. CBSA will be part of enforcement at the border. Peace Officers may take the necessary measures to ensure compliance [s. 10 (1) Reg.].

Prosecute Contraventions of the Regulations: Summary conviction (max. \$500 fine and/or 6 months prison); or indictment (max. \$5,000 fine and/or 5 years prison) by federal/provincial prosecution services (concurrent jurisdiction) [s.10(2) Reg.].

Emergency Economic Measures Order – New Tools

- **Prohibits engaging in financial transactions supporting the unlawful public assemblies.**
- **Requires banks and other financial entities, such as crowdfunding platforms and payment service providers (e.g. PayPal), to:** [ss. 2-5 Order]
 - **Review (and continually monitor)** to see if they possess/control the property (i.e. bank accounts, cryptocurrencies and other assets) of a person involved in the unlawful public assemblies.
 - **Freeze/suspend** their account, crypto wallet, lending products and investments. No court order is needed.
 - **Cease providing them financial services** or facilitating transactions.
 - **Oblige crowdfunding platforms to register with FINTRAC** and make reports regarding persons involved in the unlawful public assemblies.
 - **Without delay, disclose to the RCMP or CSIS** the existence of property of a person involved in the unlawful public assemblies and any information about a transaction or proposed transaction.
- **Allows federal, provincial or territorial institutions (including the RCMP) to disclose** at their discretion, and in conformity with any privacy legislation, any information with financial entities for purposes of the Order (e.g. name and address of a participant unlawful public assembly) [s. 6 Order].